

REMARKS/ARUGMENTS

Claims 1-3, 5-9, and 11-18 are currently pending in this application. Claim 10 has been cancelled, without prejudice or disclaimer, in accordance with the Examiner's suggestion. Claim 4 was previously cancelled. No new matter has been added.

Applicants wish to thank the Examiner for withdrawing the rejections relating to Sato (US Patent No. 4,963,639) reference. Applicants agree that Sato does not describe or suggest the claimed invention.

Reconsideration of the application is requested in view of the following remarks.

Rejection under 35 U.S.C. §§ 102 and 103

The rejection of claims 1, 7, 9, 11-16 under 35 U.S.C. § 102(b) as anticipated by Hoyt et al. (EP 0409093), as evidenced by Lombardi et al. (US Patent No. 3,663,511), is respectfully traversed for reasons of record and the reasons indicated below; and the rejection of claims 2, 3, 8 and 10 under 35 U.S.C. § 103(a) as obvious over Hoyt et al., as evidenced by Lombardi.; and claims 5-6, 17-18 under 35 U.S.C. § 103(a) as obvious over Hoyt et al. in combination with Brubaker (US Patent No. 2,264,298), as evidenced by Lombardi, are respectfully traversed for reasons of record and the reasons indicated below.

Applicant notes that Office's comments in the Response to Arguments, at page 7 of the present Final Office Action, in which the Office asserts that "Applicant admits . . . that the structure of polyamide, produced by Hoyt and one claimed by Applicant are identical."

However, as previously pointed out, Hoyt et al. describes a polyamide fiber having reduced amino end groups. Hoyt et al. utilizes cyclic caprolactones to reduce the amino end groups on the polymer. In contrast, the disclosure uses open chain amino-hydroxy compounds or carboxyl-hydroxy compounds to reduce the amino end groups on the polymer. In particular, the compounds of the claimed invention react faster than the lactones.

A further difference between Hoyt et al. and the claimed invention, as shown in the chemical reaction cited on page 3 of the Response filed June 24, 2008, is that the amino-hydroxy compounds or carboxyl-hydroxy compounds split off water, contrary to the lactones. By liberating water, the descent of the melt volume rate is reduced. The polyamide prepared

according to Hoyt et al., as previously discussed, produces no water. Applicant further points out that an aim of the present application is to maintain or increase the melt volume rate. On the other hand, the aim of Hoyt et al., is merely antistaining.

In addition, there is no showing in Lombardi et al. of maintaining or increasing the melt volume rate, or producing water as a by product, i.e., the use of epsilon-caprolactone is not equivalent to 6-Hydroxycaproic acid.

Regarding Brubaker, as acknowledged in the International Preliminary Report on Patentability, dated October 6, 2004, there are several apparent unobvious differences. A copy of the report is filed herewith. Among the several differences, there is no showing or suggestion of the melt-volume flow result of the present application. Further, there is no showing or indication that one would selectively modify Hoyt et al. to achieve the claimed polyamide, process, film, fiber, or molding, based on these references, other than improper hindsight of the present specification.

Therefore, the claimed invention is clearly not anticipated or obvious over Hoyt et al. or any of the other cited references, alone or in combination. Accordingly, withdrawal of the rejection is requested.

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 03-2775.

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Amendment dated January 9, 2009
Final Office Action Dated September 9, 2008

Docket No.: 12810-00072-US

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00072-US from which the undersigned is authorized to draw.

Dated: January 9, 2009

Respectfully submitted,

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